

Wednesday, May 21st, at 6:30 PM.
LAWS & RULES COMMITTEE MEETING

1. Kingston Point Beach SEQR - J. Noble
2. PRRIA- Packaging Reduction Recycling Infrastructure Act – J. Noble
3. Edits to the Form-Based Code - B. Starodaj
4. Schwenk Dr. Designation - Mayor Noble
5. Bench Naming Policy - Mayor Noble
6. Memorializing Resolution for Social Security Offices - Alderman Tierney

OLD BUSINESS

1. Food Trucks- Ald. Edwards

(L+B)

CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

May 1, 2025

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Kingston Point Beach NYSWIMS SEQR

Dear President Shaut,

I would like to request the following for placement on the Laws and Rules Committee agenda for May.

The City has received funding from DASNY's NYSWIMS Grant to implement a design of multi-tiered raised terraces to connect upland areas on either side of the existing beach to provide flood mitigation and protect the interior of Kingston Point against sea level rise. The primary objective of the project is to promote resiliency through the protection and management of natural resources and sensitive ecosystems while protecting and reinforcing the shorelines.

At this time, my office, with Corporation Counsel, is reviewing 6 NYCRR 617 to identify the appropriate SEQR action level and are drafting up the Short Environmental Assessment Forms. We will have these forms to you in advance of the May 21st Laws and Rules meeting for your consideration.

If there are any questions, I will be present at the May Laws and Rules meeting to speak to this request. Thank you for your consideration.

Sincerely,

Julie L. Noble
Project Manager

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Kingston Common Council

4/14/2025

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Kingston Point Beach Swimming Facilities			
Project Location (describe, and attach a location map): 50 Delaware Avenue, Kingston, NY Location is a public beach on the North side of Delaware Avenue.			
Brief Description of Proposed Action: The City of Kingston will implement a design of multi-tiered raised terraces to connect upland areas on either side of the existing beach to provide flood mitigation and protect the interior of Kingston Point against sea level rise. The primary objective of the project is to promote resiliency through the protection and management of natural resources and sensitive ecosystems while protecting and reinforcing the shorelines. The project consists of building multi-tiered raised beach terraces, a boat (kayak) launch on the west side, a pier on the east side, and a promenade between the parking lot and the beach.			
Name of Applicant or Sponsor: Julie Noble, City of Kingston		Telephone: 845-481-7339 E-Mail: julienoble@kingston-ny.gov	
Address: 467 Broadway			
City/PO: Kingston		State: NY	Zip Code: 12401
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDEC Article 15 and Article 24, USACE Individual Permit, NYSDOS Coastal Consistency, NYSOGS, SHPO		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		10.57 acres	
b. Total acreage to be physically disturbed?		1.72 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		95.27 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
<u>Not applicable.</u>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
Hudson River, the project would include the construction of a wetland cove and a pedestrian pier. The wetland cove would be about 22,500 square feet, creating a new wetland on part of the existing sand beach, allowing water from the river to enter the wetland at mean tide and high water levels. The pier would extend 8 foot wide by 50-60 feet into the river, on pilings above the water, out of the navigable channel.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: Stormwater will either infiltrate into the sandy beach on site or into the existing conveyance system within the existing parking area on site.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Julie L. Noble</u> Date: <u>4/14/2025</u> Signature: <u>Julie L. Noble</u> Title: <u>Project Manager</u>		

RESOLUTION ____ OF 2025

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL OF THE CITY OF KINGSTON, NY, DECLARING ITS INTENT TO SERVE AS LEAD AGENCY AND SEEK A COORDINATED REVIEW FOR THE NYSWIMS KINGSTON POINT BEACH SWIMMING FACILITIES PROJECT

Sponsored By: _____ Committee: Aldermen _____

WHEREAS, the City has received funding from DASNY's NYSWIMS Grant to implement a design of multi-tiered raised terraces to connect upland areas on either side of the existing beach to provide flood mitigation and protect the interior of Kingston Point against sea level rise; and

WHEREAS, the primary objective of the project is to promote resiliency through the protection and management of natural resources and sensitive ecosystems while protecting and reinforcing the shorelines.; and

WHEREAS, the project consists of building multi-tiered raised beach terraces, a boat (kayak) launch, a pier, and a promenade between the parking lot and the beach; and

WHEREAS, the City of Kingston has completed Parts 1 and 2 of the Short Environmental Assessment Form for the Kingston Point Beach Swimming Facilities Project; and

WHEREAS, a request has been made for the Common Council of the City of Kingston to be lead agency for the Kingston Point Beach Swimming Facilities Project; and

WHEREAS, after reviewing 6 NYCRR 617 it has been determined that the Project is an Unlisted Action under SEQR, and is not on the Type I or Type II lists; and

WHEREAS, a coordinated review would be appropriate as the project involves funding from NYS Department of Environmental Conservation and involves regulated coastal areas.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION-1. That the Common Council of the City of Kingston makes a determination that the project is subject to SEQR as an "unlisted" action,

SECTION-2. That a coordinated review will involve other agencies,

SECTION-3. That the Common Council of the City of Kingston makes a declaration of its intent to serve as lead agency and to seek a coordinated review with interested/involved agencies per 6 NYCRR 617.6(a).

SECTION-4. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2025

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

NARRATIVE

Please find attached the Preliminary Design work that was done for this project. This includes cost estimates on page 115, as well as extensive community outreach through surveys and meetings.

Description

Kingston Point is a public riverfront recreational park and preserved natural lands along the Hudson River. Once the site of Kingston Point Park with its merry-go-round, dance hall, and other recreational amenities, it has been a cherished and valued oasis and natural public asset in Kingston for well over one hundred years. In its current form and together with Kingston Rotary Park, it contains a public beach with parking (Kingston Point Beach), a playground, a baseball diamond, a BMX track, naturalized areas with trails and picnic shelters, and a tourist trolley station, all surrounded by a tidal wetland to the south.

This project considers the need to examine Kingston Point as a site demonstrating a complex interplay of a shifting and changing estuarine ecosystem due to sea level rise and the City's need to provide accessible recreational lands, protect its valuable natural resources, and maintain economic viability. The overall vision of the project is to create a well-connected and resilient Kingston Point which can remain a viable public and natural asset for Kingston for decades to come. At Kingston Point, unmitigated sea level rise is projected to inundate areas along the west and north, including the woodlands east of North Street, the existing parking lot area, and the beach, effectively cutting off Kingston Point from the mainland shore.

A primary objective unique to this project is to promote resiliency through the protection and management of natural resources and sensitive ecosystems, while protecting and reinforcing shorelines. Not only will the project help Kingston reduce vulnerability to sea level rise, it will also enable its communities to embrace and strengthen their relationships with their evolving natural environment in a larger context. The implementation of this proposed design would be innovative—the first of its kind in the Hudson River Valley if not regionally and beyond.

The project is in part inspired by the design ideas, research, and collaborative spirit set forth by the Climate Adaptive Design Studios of the Landscape Architecture Department at Cornell University. Over the last several years, students and faculty have been working with several cities along the lower Hudson River, including Kingston, to foster urban resilience and collectively envision climate adaptive measures for their communities in the face of sea level rise.

Kingston Point Beach is vulnerable due to the combination of sea level rise and the increased probability of storm surge from hurricanes and tropical storms. In the long-term, waterfront and shoreline structures and habitats will be damaged as a result of climate change if new adaptation measures are not implemented. Proper planning and design of Kingston's waterfront is critical to addressing these new challenges.

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

Existing Conditions



Kingston Point Beach includes a heavily utilized beach, a brick debris shoreline to the west of the beach with materials generated from the historic Hutton Brickyard, and rock outcrops to the east of the beach. Upland forests are present on either side of the beach. It is a popular beach that attracts local Kingston residents as well as people from surrounding communities. The core uses of the area involve swimming, boat access, beach volleyball, lounging, and parking.

Sandy beaches remain stable when conditions of certain parameters such as nearby parent material, river velocity, bathymetry, and bank stability, are ideal and aligned. If conditions degrade due to changes in habitat, extreme weather, or climate change, beach geometries also change, generally leading to loss of sandy material or deposition of fines.

Existing shoreline conditions at Kingston Point Beach are somewhat degraded due to human activities, bank erosion, dumping, loss of native plants, and encroachment of invasive plant species. To sustain it as a popular amenity, the City of Kingston proposes to reinforce conditions by installing a set of protective barriers which will hold back material to prevent loss of sand. As river levels rise over time, these structures will continue to stabilize the near-shore areas and promote stability of the adjacent upland. It may still be necessary, however, to nourish the beach with additional sand in the future.

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

Background

In September 2020, a project team, in partnership with the City of Kingston, successfully completed and submitted the Phase II Climate Adaptive Design project focused on Kingston Point to NEIWPC and the NYS DEC Hudson River Estuary Program (HREP). Our Phase II CaD project examined sea-level rise projections in conjunction with ecological and physiographic characteristics and assessed potential impacts to Kingston Point's overall health and public use. The team extrapolated potential sea level rise scenarios and developed a series of climate adaptation strategies which would enable Kingston Point to remain a viable and healthy recreational asset for the city. After a robust public engagement process which shared findings, adaptation strategies, potential pilot projects, and solicited feedback, Kingston Point Beach became the preliminary design site. After developing several concept design options for public feedback, a linear terracing concept that reinforces the beach while maintaining and providing additional recreational and ecological features became the final preliminary design.

The Kingston Point Beach Swimming Facilities Upgrades Project will continue this effort and develop the preliminary design into a finalized design with full bidding documents, technical specifications, implementation plans, and permitting approvals, as well as advance it through full project bidding and construction.

As a key public recreational and ecological asset for Kingston, and the beach being one of only four official NYS Department of Health swimming beaches on the Hudson River, the vulnerability of Kingston Point to sea level rise is a tangible threat to the health and way of life of the community. The potential loss of access to Kingston Point and its valuable estuarine habitats will eventually disconnect people from their unique natural environment and deprive underserved communities of access to this free natural recreational asset. The terraced reinforcement of the beach, and the accompanying habitat restoration work focused on ecosystem connectivity that links the east and west portions of the site, preserve the beach as a functioning recreational asset, and also serve to mitigate sea level rise impacts for the inland portions of Kingston Point. This is an innovative strategy that enables communities to continue to embrace and strengthen their relationships with their evolving natural environment in the face of climate change exposure.

Design

The City will use the existing preliminary design for Kingston Point Beach to release a Request for Proposals for final engineering designs. Using the resulting construction drawings and technical specifications, the City will then issue a Request for Bids for construction.

The team will also prepare and submit all applicable environmental permitting applications as necessary to obtain full approval for project implementation.

The configuration and layout of the linear terraces is the fundamental driver of the preliminary design concept. The multi-tiered raised terraces connect the two upland areas on either side of the existing beach to provide flood mitigation and protect the interior of

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

Task 3: Project Kick-off Meeting

The project team will organize, coordinate, and host a kick-off meeting with municipal and HREP staff to review preliminary designs for the site, identify information needs for the project, review schedule, and identify regulatory issues. The project team intends to conduct site visits.

Task 4: Additional Site Assessment and Sampling

The project team expects to perform the following key additional site assessment and samplings in order to advance the design:

- A comprehensive hydrologic and hydraulic (H&H) study of the project area and immediate surroundings using a HEC-RAS 1D model to determine the effects of river flows, tidal influences, and potential ice scouring for terraced beach area.
- A comprehensive evaluation of sea level rise effects on the design by utilizing the Scenic Hudson Sea Level Rise Visual Mapper, the NOAA Sea Level Rise Mapper, and design criteria for sea level rise in NY State under 6 NYCRR Part 490, "Projected Sea Level Rise."
- Aquatic Resource Delineation for the project area and 100 feet landward.
- Habitat Assessment Report for flora, fauna, and endangered species.

In addition, topographic, bathymetric, and geotechnical surveys, including borings and a geotechnical report, will be completed. The team will also provide coordination for the SEQRA documentation, SHPO documentation, and Local Waterfront Revitalization Program.

Task 5: Develop and Deliver Draft Engineering and Implementation Plan

The project team will deliver a draft design package which will include draft drawings with implementation plan, technical specifications, interpretive signage design, a Joint Application Form, and any other materials needed for environmental permitting for review by the State.

Drawings will include, but not be limited to: existing conditions plans, layout plans, proposed grading and excavation plans, material and furnishing plans, planting plans, site cross-sections, and site details. The implementation plan will include a preliminary project timeline, work sequence, staging, and other construction-related planning materials.

In addition to the design package, during this task, the project team proposes to:

- 1) Prepare and submit materials and hold a pre-application meeting with USACE NYSDEC to review compliance requirements; and
- 2) Develop an initial opinion of probable construction costs to align project direction and parameters with anticipated construction funding.

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

Task 6: Coordinate Draft Review Meeting

Following the draft design package submission, the project team will organize and coordinate a meeting with the funder to present the current design, and review and discuss overall progress and subsequent steps for the project.

Task 7: Prepare Applications for Environmental Permits

A Joint Permit Application package (supported by a Joint Permit Application form and other tangible documents) will be prepared for the following permits: NYSDEC Article 15 for Protection of Waters/Excavation and Fill in Navigable waters; NYSDEC Article 24 Freshwater Wetlands permit; USACE Individual Permit; NYS Department of State (NYS DOS) Coastal Zone Federal Consistency Assessment Form and narrative; and NYS Office of General Services (NYS OGS). The application will incorporate SHPO and SEQRA coordination.

After submittal, the project team will coordinate one round of comments received from the agencies and public during the public notice processes. These comments will be responded to and the final engineering plans will be revised under Task 8 to address comments. Final permits obtained will be assembled, along with the plan sets that were approved. The project team will also be responsible for guiding the project through the permitting process with the NYS Department of Health for compliance with State regulations for public bathing beaches (NYCRR Title 10, Part 6, Sub-Part 6.2).

Task 8: Final Engineering Documents and Implementation Plan

The project team will deliver a final design package including final drawings with implementation plan, interpretive signage design, and technical specifications to the funder. The final design package will incorporate all revisions based on comments and feedback received from the client and permitting agencies and will include all materials necessary for the City to solicit construction bids, acquire regulatory approval, and begin construction. During this task, a final estimate of probable construction costs will be established to be included in the Final Report. Based upon the current scope, the project will result in an overall land disturbance that will exceed 1-acre. As such, the project will require coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), and preparation of a Stormwater Pollution Prevention Plan (SWPPP) in accordance with NYSDEC requirements.

Task 9: Bid Process and Selection of Construction contractor

After the final design and construction documents have been approved by the Funder, the City will prepare and distribute a bid invitation to select a construction contractor, prepare addenda to answer questions submitted by bidders, and arrange and conduct a pre-bid meeting. The City will follow all proper procurement procedures in soliciting public bids for construction of the full project, including adherence to any MWBE goals or requirements. The City will review bids received, select the construction contractor, and prepare a draft contract or contract(s) if subcontractors are included.

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

Task 10: Project Construction

The construction contractor will complete the construction as outlined in the engineering bid.

Task 11: Construction Administration, Construction Management, and Site Inspection

The City will issue a notice to proceed to the selected contractor. The contractor or its subcontractor(s) will notify the City in writing of work progress, including any delays that have occurred. The City will verify progress and completion of the work through periodic site inspections. Following each inspection, the contractor will submit written summaries of progress including photo documentation and identification of problems to be addressed. The City will review and approve the contractor's shop drawing submittals for conformance with the contract documents. The City will answer contractor's questions about contract documents and will amend contract documents by a documented change order as may be needed for significant changes. The contractor will issue field direction where minor clarification is needed.

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

Question 6. Does the applicant plan on offering learn to swim programs and/or swimming lessons? Does the applicant plan on charging a fee or requiring a membership? Will residents and non-residents pay the same or different fees? On a separate document, please briefly describe your plan for learn to swim programs and/or swimming lessons and swimming fees.

The City of Kingston offers swim lessons at its municipal pool, *Andretta Pool*, three days per week in the summer. There is no fee or membership requirement for residents or non-residents to access *Andretta Pool*. Swim lessons are \$50 for the season for Kingston residents, and \$75 for the season for non-residents.

Swim lessons are not offered at Kingston Point Beach, nor are there plans to do so in the near future. There is no fee or membership requirement for residents or non-residents to access Kingston Point Beach.

New York Statewide Investment In More Swimming (NY SWIMS)

APPLICATION

Kingston Point Beach Swimming Facilities Upgrades Project

9. Please attach narrative and supporting documentation describing the groups served by the proposed project. Include as applicable: how the project meets the needs for an aging population; encourages participation by youth; responds to changes in composition of the population and social conditions of the community and/or ensures open and reasonable access to person of various abilities. Examples of supporting documentation may be news articles, community reports, requests and thanks from patrons, etc.

As one of only four official NYS Department of Health swimming beaches on the Hudson River, Kingston Point Beach is both a local and regional destination during all four seasons. At 500' x 150', the beach is relatively large; however, it is being lost to erosion and sea level rise daily. Located in the Downtown area of Kingston, it is accessible on the Ulster County Area Transit free and fully accessible public bus system line. The parking area is also the designated parking area for the NYS Empire Trail, which serves as a major non-motorized transportation connector for the region. The site hosts a formal bicycle shelter complete with bike tools and pump, which will remain through construction.

The facility is handicapped accessible with ample accessible parking, an accessible beach mat and chairs, and accessible changing facilities. The new reconstruction will maintain full accessibility as well as add a full water bathroom with access to potable drinking water, which is not currently available on site. The newly designed and engineered beach will be fully accessible to all ages regardless of ability, at all stages into the future, providing a free location for swimming, paddling, wading, and beach enjoyment well into the future, despite the impending sea level rise.

Kingston Point Beach has seen and responded to a large influx of users during and since the COVID pandemic, increasing occupancy greatly as a safe, free, outdoor recreation. As the urban center of Ulster County, Kingston is the most populated area and swells daily. The BIPOC and especially Latinx population is also greatly and rapidly increasing, and this facility hosts a strong diversity of community members daily, being an open and inclusive facility. The use of the pavilion, soccer field, playground, and bike amenities enhances the experience for the user, especially youth. These facilities will remain after construction.

As a community that is largely a disadvantaged community, with 24,000 residents in the city and 180,000 in Ulster County, this river-front site is a sought after respite from the heat and hustle and bustle of the inner city, and by advancing this project, it will ensure the site will be available in perpetuity.

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT: Parks and Recreation: Sustainability Office DATE: 5/14/2025

Description:

A resolution that pursuant to 6 NYCRR Part 617, the City of Kingston Common Council hereby determines that the Kingston Point Beach Swimming Facilities Project is an Unlisted action under SEQR and declares the intent so serve as Lead Agency under a coordinated review.

No financial impact.

Signature 

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action

Type II Action

Unlisted Action

Negative Declaration of Environmental Significance:

Conditioned Negative Declaration:

Seek Lead Agency Status:

Positive Declaration of Environmental Significance:

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		



Tinti, Elisa

From: Noble, Julie
Sent: Thursday, May 1, 2025 10:22 AM
To: Shaut, Andrea
Cc: Noble, Steve; Timbrouck, Lynsey; Graves-Poller, Barbara; Marie Miller; Brittany Cattaruzza; Jake Strauss; Judith Enck and Rebecca Martin, Beyond Plastics
Subject: Communication from Climate Smart Kingston re: PRR1A
Attachments: Resolution in Support of Packaging Reduction_COK.docx

Good morning President Shaut,

Please find, attached, a draft resolution for the consideration of the Laws and Rules Committee, on behalf of the Climate Smart Kingston Commission, urging the Common Council to support the NYS Assembly and NYS Senate bills on the Packaging Reduction and Recycling Infrastructure Act.

Climate Smart appreciates your consideration. As Chair, I will be in attendance at the May 21 Laws and Rules meeting to speak to this.

Thanks,
Julie

Julie L. Noble
City of Kingston
Project Manager
Sustainability Coordinator
Climate Smart Kingston Commission Chair
467 Broadway
Kingston, NY 12401
845-481-7339

RESOLUTION ____ of 2025

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL IN SUPPORT OF THE NEW YORK STATE ASSEMBLY AND SENATE TO PASS A STRONG PACKAGING REDUCTION AND RECYCLING INFRASTRUCTURE ACT ([SENATE BILL 1464/ASSEMBLY BILL 1749](#))

WHEREAS, packaging makes up approximately 40% of the waste in New York state, and;

WHEREAS, managing waste costs New York taxpayers hundreds of millions of dollars annually, and;

WHEREAS, most plastic packaging is not recyclable, and reusable and refillable packaging systems are not widely available, and;

WHEREAS, plastic causes serious pollution, including litter and use of toxic chemicals, and;

WHEREAS, companies that produce packaging should be responsible for the costs of managing packaging waste, not just taxpayers, and;

WHEREAS, enacting the Packaging Reduction and Recycling Infrastructure Act, pending in the New York Assembly and the New York Senate, would reduce waste, increase recycling rates, create jobs, reduce toxicity in packaging, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions, and;

WHEREAS, the Kingston Climate Action Plan specifically addresses the importance of responsible solid waste management and managing resources sustainably, and;

WHEREAS, the adoption of this bill would enable the City of Kingston to further achieve our sustainability mission by reducing the production of solid waste and educating the community on sustainable practices.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION-1. That the City of Kingston urges the New York state legislature to pass and Governor Kathy Hochul to sign into law a strong and effective Packaging Reduction and Recycling Infrastructure Act, Senate Bill 1464/Assembly Bill 1749, and;

SECTION-2. That the City of Kingston shall forward copies of this resolution to Governor Kathy Hochul, New York Assembly Speaker Carl Heastie, and New York State Senate Majority Leader Andrea Stewart-Cousins, the local state assemblymember, the local state senator, and all others deemed necessary and proper.

3

L+R

CITY OF KINGSTON

Office of Housing Initiatives

Bartek Starodaj, Director



Steven T. Noble, Mayor

May 1, 2025

Ald. At Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Re: Edits to the City's Form-Based Zoning Code

Dear President Shaut,

As communicated in February, the Zoning Working Group has recommended to the Common Council amendments to the form-based code. These edits are intended to exclusively fix inconsistencies in the version adopted in 2023, better organize existing information, and amend aspects of the code that were understudied during the drafting process.

Via Resolution 54 of 2025, the Common Council referred these amendments to the City of Kingston Planning Board, the Historic Landmarks Preservation Commission, and the Ulster County Planning Board. All three agencies concurred with the edits. The Planning Board had one suggestion on the placement of accessory structures I'd like to review with the Committee.

Otherwise, on behalf of the Zoning Working Group and pending completion of a public hearing, I am asking the Common Council to adopt these amendments.

Regards,

Bartek Starodaj, Director of Housing Initiatives

Cc: Steve T. Noble, Mayor
E. Tinti, City Clerk
S. Cahill, Planning Director
B. Graves-Poller, Corporation Counsel

RESOLUTION X of 2025

AN ORDINANCE AMENDING CHAPTER 405 THE KINGSTON FORM-BASED ZONING CODE

Sponsored by: Laws & Rules Committee: Hirsch, Scott-Childress, Pasti, Edwards, Dennison

WHEREAS, under Resolution 138 of 2023, the City of Kingston Common Council adopted a form-based zoning code, to describe the desired form and character for future improvements and preservation throughout the City called Kingston Forward; and

WHEREAS, also under Resolution 138 of 2023, the City of Kingston Common Council directed the creation of a Zoning Working Group to ensure the zoning code is meeting its intent and purpose and that it aligns with the City's comprehensive plan; and

WHEREAS, the Zoning Working Group has submitted to the Common Council proposed amendments; and

WHEREAS, under Resolution 54 of 2025, the City of Kingston Common Council referred the proposed amendments to the City of Kingston Planning Board, the Historic Landmarks Preservation Commission, and the Ulster County Planning Board; and

WHEREAS, the City of Kingston Common Council held a public hearing on the proposed amendments on May 5, 2025 and has received letters of support and/or no impact on the amendments from the City of Kingston Planning Board, the Historic Landmarks Preservation Commission, and the Ulster County Planning Board; and

WHEREAS, the requested amendments do not significantly impact the location, intensity, or form of development that takes place in the City of Kingston and are found to be consistent and not exceeding the thresholds set in the DGEIS and FGEIS adopted for the form-based code on March 7, 2023 and July 11, 2023, respectively.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:**

SECTION 1: That the Kingston Common Council adopts edits to the Kingston Forward Form-Based Code in Chapter 405 as affixed.

SECTION 2: That all ordinances and parts thereof, inconsistent herewith are hereby appealed.

SECTION 3. That this resolution shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day
of _____ 2025

Approved by the Mayor this ____ day
of _____ 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

City of Kingston Zoning Working Group

Amendment Suggestion 1 of 2025

Add New Section 405.21 Q Recreation Fee

- A. 1. In any development (including new buildings, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to a residential use, or any combination of these elements) that includes seven or more overall rental or homeownership housing units, as a condition to the approval of the site plan, a recreation fee payment to the City of Kingston of a sum of money in an amount to be determined and set annually, by resolution of the Common Council, as part of the City's fee schedule. Fees imposed pursuant to this article shall be paid prior to final site plan approval and shall be set aside in a fund to be used exclusively for park, playground or other recreational purposes, including acquisition of property for use as park or playgrounds.

Edit 405.19 Affordable Housing Incentives C 3(b.) to say:

~~With input from the Recreation Commission, the Planning Board may consider full compliance with affordable housing requirements as grounds to discount a project's Recreation Fee in lieu of Parkland in accordance with the provisions of §347. For the purposes of this discount, full compliance shall mean including affordable or workforce housing units as required by 405.19.A.1(a).~~

Any permanently affordable housing unit created in compliance with 405.19 shall be excluded from recreation fee calculations under 405.21 Q. For example, if a ten-unit residential project includes one affordable unit, that unit shall be excluded from recreation fee calculations.

Related Action: **Repeal Chapter 347 Site Plan Review – Reservation of Parkland; Fees in Lieu of Reservation**

~~§ 347-1 Planning Board may require parkland; findings:~~

~~A. The Planning Board may require that a subdivision or site plan containing residential units also contain a park, or parks, or playground suitably located for playground or other recreational purposes.~~

~~B. Before the Planning Board will require that land be reserved for park, playground or other recreational purposes, the Planning Board must make a finding that such requirement is warranted. Such a finding shall include an evaluation of the present and anticipated future needs for park and recreational purposes in the City of Kingston based on the projected population growth to which the particular site plan and/or subdivision will contribute.~~

C. The Planning Board shall consult with the Parks and Recreation Department of the City of Kingston in order to assist in the formulation of the findings as referenced in Subsections A and B above:

~~§ 347-2 Ownership of park area:~~

~~The ownership of a reservations for park purposes shall be clearly indicated on the site plan or subdivision and established in a manner satisfactory to the Planning Board so as to insure its proper future continuation and maintenance:~~

~~§ 347-3 Cash payment in lieu of reservation:~~

~~Where the Planning Board makes a finding that the proposed subdivision or site plan presents a proper case for requiring a park or parks suitably located for playground or other recreational purposes, but that a suitable park or parks of adequate size cannot be properly located on such site plan or subdivision, the Planning Board may require, as a condition to the approval of the site plan or subdivision, a payment to the City of Kingston of a sum of money in an amount to be determined and set annually, by resolution of the Common Council. Fees imposed pursuant to this article shall be paid prior to final site plan or subdivision approval and shall be set aside in a fund to be used exclusively for park, playground or other recreational purposes, including acquisition of property for use as park or playgrounds:~~

~~§ 347-4 Consulting fees:~~

~~A. The City of Kingston shall have the right to require an applicant who seeks to obtain a site plan or subdivision approval to deposit in escrow to cover the costs being incurred by the City of Kingston for all consultant services, including but not limited to engineering, planning and legal, as well clerical costs incurred in the processing and reviewing of such application:~~

~~B.~~

~~The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the City of Kingston. Such amount shall be reasonably related to the cost attendant to the City's review of the application. It is understood that the applicant is required only to reimburse and pay to the City of Kingston the fees actually expended by the City. Any such fees incurred by the City of Kingston must be reasonable and subject to all appropriate audit provisions of the City of Kingston with the explicit understanding that the applicant shall only pay at the rate for said services that the City pays for its own consulting services:~~

~~§ 347-5 Applicability:~~

~~This article shall apply to all current and future applications for site plan or subdivision approval containing residential units:~~

City of Kingston Zoning Working Group

Amendment 2 of 2025 – Organizational

Add to 405.17 Signage Standards

[Table that summarizes signage types and transect allowances. As needed, make appropriate updates to Article 3 Transect Standards]

	T5MS	T5F	T5N	T4MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1N	SD-W/WMU	SD-C	SD-F
Wall Sign	X	X	X	X	X							X	X	X
Wall Mural Sign	X	X	X	X	X							X	X	X
Projecting Sign	X	X	X	X	X	X	X	X				X	X	X
Marquee Sign	X	X												
Hanging Sign	X	X	X	X	X	X	X	X				X	X	X
Awning Sign	X	X	X	X	X	X	X	X				X	X	X
Canopy Sign	X	X	X	X	X	X						X	X	X
Window Sign	X	X	X	X	X	X	X	X				X	X	X
Sidewalk Sign	X	X	X	X	X	X	X	X				X	X	X
Yard/Porch					X		X							

Roof Sign													X	
Freestanding Sign													X	X
Electronic Sign (See 405.17 I)	X	X		X	X							X	X	

Add to 405.5.B. Transect District Dimensional Standards Summary

[Add section for Accessory setbacks (rear, side)]

[illegible]

[illegible]

City of Kingston Zoning Working Group

Amendment Suggestion 3 of 2025

Edit Section 405.16 C d Off-Street Parking Standards

- a. ~~Accessibility.~~ All vehicle parking lots and parking structures must conform with the ADA Standards for Accessible Design as mandated by the federal Americans with Disabilities Act (ADA), ~~Federal Americans with Disabilities Act (ADA)~~, and should conform to the Public Right-of-Way Accessibility Guidelines (PROWAG). ~~At least one accessible space shall be provided for all development with 4 or more units. If no on-site parking area is provided, required accessible parking may be located nearby on street or in a common parking lot, as approved by the Planning Administrator (for minor site plans) or Planning Board.~~

City of Kingston Zoning Working Group

Amendment Suggestion 4 of 2024

Edit Section 405.6-405.9 Transect Standards

	T5MS	T5Flex	T5N	T4MS	T4N-O	T4N
First Floor Height	16' min Historic districts: 16' corner min, mid-block contextual min	14'min Historic districts: 14' corner min, mid-block contextual min	12' min	14' min Historic districts: 14' corner min, mid-block contextual min	9'min	9' min

ADD to 405.2 Definitions: CONTEXTUAL FIRST-FLOOR HEIGHT

Measured as the smallest existing first floor height of buildings that are on adjacent lots, that are oriented to the same street as, and within 100' of the subject lot.

City of Kingston Zoning Working Group

Amendment Suggestion 5 of 2025

Edit Definition of Bed & Breakfast

An owner-occupied residential establishment where not more than five rooms are rented to transient nonpermanent guests, on a short-term basis, ~~staff or~~ owner-operator on the premises to check-in guests and available for support services. At least one prepared meal is made available to guests. See Sec 405.21.D.

City of Kingston Zoning Working Group

Amendment Suggestion 6 of 2025

Edit Sec 405.21.C. Home Occupation

No more than ~~20~~15% of the floor area of the principal building, and no more than 500 square feet of floor area of an accessory building, shall be devoted to the activity.

City of Kingston Zoning Working Group

Amendment Suggestion 7 of 2025

Edit Sec 405.17 E Pedestrian-Oriented Sign Standards

1. **Materials.** All permanent, on-premises signs ~~maybe may~~ be constructed of a rigid, weatherable material such as wood (painted or natural); metal (copper, brass, aluminum, galvanized steel); painted / engraved directly on façade surface; glass; ~~neon~~; or hard plastic. Canvas may be used for awning material. Vinyl may be used for windows signs.

g. Window Signs		
Area (max)	25% of window area	1. Description. A sign intended to be painted on, applied to, or displayed in, a storefront window or door area. 2. One Two window signs is are permitted per shopfront window. 3. A maximum of twenty-five percent (25%) of a window can be used for window signs.
Quantity	24 per window	

[As needed, update Article 3 Transect Standards to Reflect Edit Made]

b. Hanging Signs

- ~~1. Signs must be stabilized so as not to swing.~~

Edit Section 4017 J. Temporary signs

The erection, installation or maintenance of temporary signs, as defined herein, is hereby prohibited, except for the following:

1. A temporary sign, not exceeding 15 square feet in area, which is erected by a municipal, charitable, political or nonprofit organization is permitted for a period not to exceed 30 days.
2. A single temporary sign, not exceeding 32 square feet in area, which announces anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc., on a

building under construction, shall be permitted until a building is completed and a certificate of occupancy is issued.

3. Banners for special announcements, such as grand openings for businesses, with a limit of 30 days may be placed on the exterior of any building. All banners must be dated. All other temporary signs made of cardboard, paper, canvas or similar impermanent materials may not be placed on the exterior of any building.

- ~~3-4.~~ Temporary window coverings associated with new construction or renovations, up to 100% of the window area, provided that site plan approval has been granted, as applicable, and that the building safety officer or their designee has granted the building a building permit that remains active.

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: HOUSING INITIATIVES

DATE: _____

Description:

AN ORDINANCE AMENDING CHAPTER 405 THE KINGSTON FORM-BASED ZONING CODE

Signature _____

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

L+R

Steven T. Noble
Mayor



May 1st, 2025

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway Kingston, NY 12401

Re: Schwenk Drive Designation

Dear President Shaut,

I am reaching out with a request to review a recommendation to change the transect designation for parcels along Schwenk Drive.

As you are aware, Schwenk Drive is a four-lane suburban-style roadway with buildings on either side that are inconsistent with many of the guidelines that are now prescribed under the form-based zoning. At the same time, due to the street's location within the Stockade Business District, the area has elements that clearly accommodate new residential and commercial growth.

All parcels with frontages along Schwenk Drive currently have the T5 Neighborhood designation. However, I believe this area can and should be an extension of the Uptown Business District, becoming a walkable and vibrant urban main street that provides commercial uses and medium-to-high density building types. Therefore, I would like to propose that the transect of this area be changed to T5 Main Street.

Now is the time to make this change for two reasons:

- 1) Reconfiguration of Schwenk Drive into a walkable and safe complete street was one of the projects proposed under the Stockade Business District's DRI funding. While this project was ultimately not selected for funding, I believe changing the transect of this area would help the City to raise the necessary funds and make the business case to complete this important project.
- 2) There are currently at least three properties for sale on Schwenk Drive: 111, 130, and 142. Collectively, this represents a tremendous opportunity to reshape the built environment on this corridor.

Changing the designation would allow for buildings with larger footprints and smaller setbacks from the street, and encourage commercial frontages.

The list of properties that could be included in this change are Rear Frog Alley (owned by Central Hudson as a substation), 85 Schwenk, 95 Schwenk, 129 Schwenk, 111 Schwenk, 130 Schwenk, and 142 Schwenk.

Sincerely,

Steven T. Noble
Mayor

4

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



May 1st, 2025

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway Kingston, NY 12401

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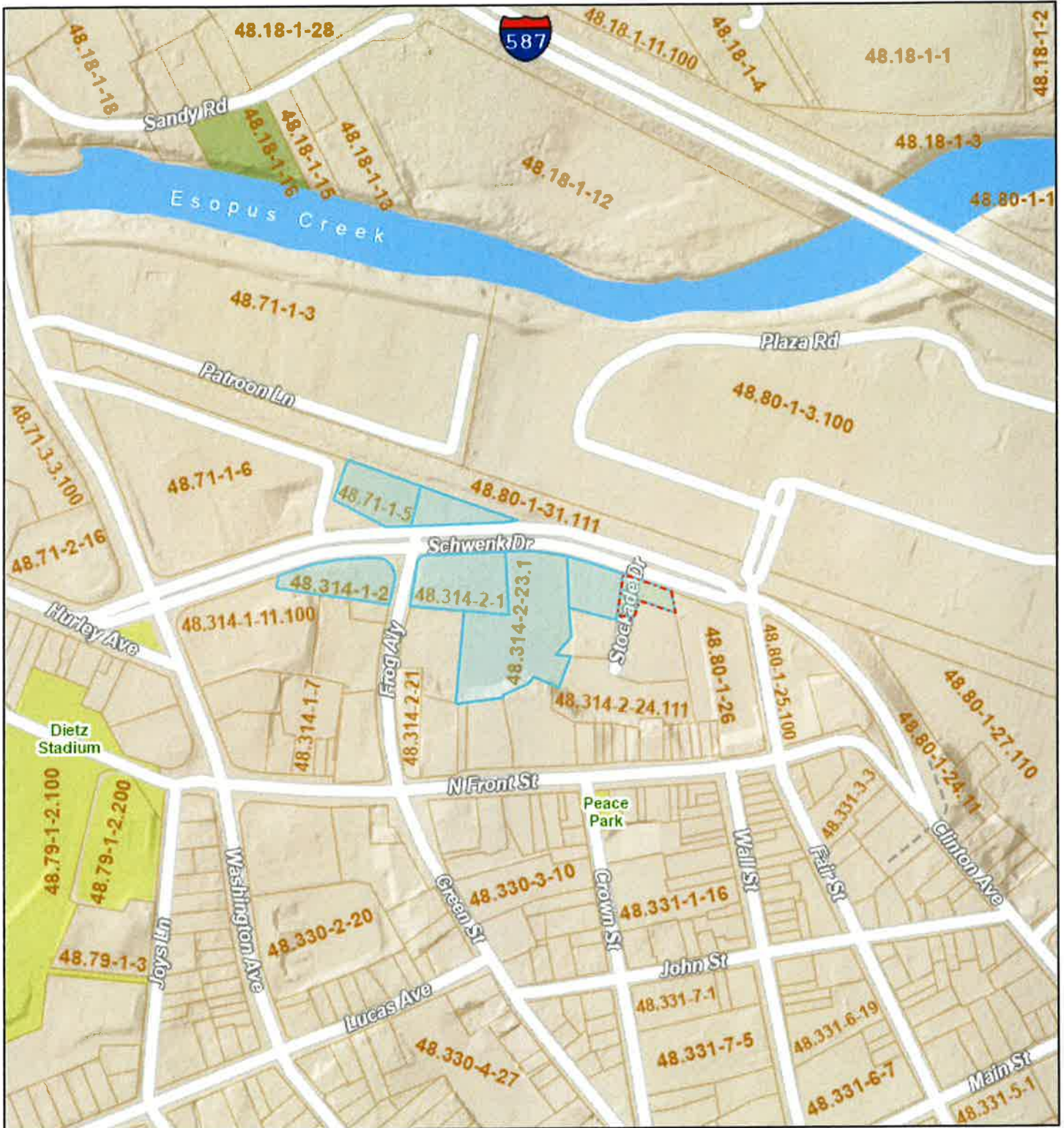
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Sincerely,

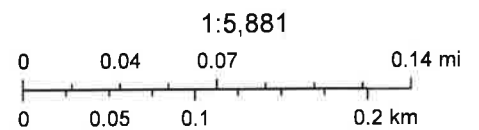
Steven T. Noble
Mayor

Ulster County Parcel Viewer



May 7, 2025

-  Override 1
-  Override 1



RESOLUTION ____ of 2025

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, REFERRING A REQUEST TO REZONE PROPERTIES ALONG SCHWENK DRIVE TO T5 MAIN STREET TO THE CITY OF KINGSTON PLANNING BOARD, ULSTER COUNTY PLANNING BOARD, AND THE HISTORIC LANDMARKS PRESERVATION COMMISSION AND SETTING A PUBLIC HEARING SCHEDULE

Sponsored by:

WHEREAS, under Resolution 138 of 2023, the City of Kingston Common Council adopted a form-based zoning code and regulating map, to describe the desired form and character for future improvements and preservation throughout the City called Kingston Forward; and

WHEREAS, under the aforementioned regulating map, properties along Schwenk Drive were zoned as T5 Neighborhood, a transect with the intent of providing “a variety of housing choices, in small-to-large footprint, medium-to-high density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this Zone, and support public transportation alternative”; and

WHEREAS, in the form-based code, the intent of the T5 Main Street transect is to provide “A walkable, vibrant urban main street serving multiple neighborhoods and the City with commercial, retail, entertainment and civic uses, public transportation, and small-to-large footprint, medium-to-high density building type”; and

WHEREAS, T5 Main Street designation allows for larger building footprints and encourages more commercial frontages; and

WHEREAS, § 405.8 M of the Kingston City Code requires zoning amendments to be referred to the Planning Board, the Historic Landmarks Preservation Commission (“HLPC”), and the Ulster County Planning Board and requires the Laws & Rules Committee to set a public hearing prior to the final action of adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Kingston Common Council refers the affixed proposal to rezone Rear Frog Alley, 85 Schwenk, 95 Schwenk, 129 Schwenk, 111 Schwenk, 130 Schwenk, and 142 Schwenk from T5 Neighborhood to T5 Main Street to the Planning Board and asks the Planning Board to provide a final report within 45 days in accordance with § 405.8 M.

SECTION 2: That the Kingston Common Council refers the affixed proposal to rezone Rear Frog Alley, 85 Schwenk, 95 Schwenk, 129 Schwenk, 111 Schwenk, 130 Schwenk, and 142 Schwenk from T5 Neighborhood to T5 Main Street to the HLPC and asks the HLPC to provide a final report within 30 days in accordance with § 405.8 M.

SECTION 3: That the Kingston Common Council refers the affixed proposal to rezone Rear Frog Alley, 85 Schwenk, 95 Schwenk, 129 Schwenk, 111 Schwenk, 130 Schwenk, and 142 Schwenk from T5 Neighborhood to T5 Main Street to the County Planning Board and asks the Planning Board to provide a final report within 30 days in accordance with § 405.8 M.

SECTION 4: That the Kingston Common Council sets a public hearing date for the affixed proposal.

SECTION 5: That the City Clerk shall cause notice of such hearing to be mailed to the property owners of each property located within the area proposed to be rezoned and to the property owners of each parcel contiguous to the area proposed to be rezoned.

SECTION 6. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day
of _____ 2025

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day
of _____ 2025

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

Properties to change the zoning designation to T5 Main Street:

<u>Parcel</u>	<u>Owner</u>	<u>Parcel Address</u>
48.314-2-24.112	NYSUT Building Corporation	85 Schwenk Dr
48.314-2-2.100	CMRC LLC	95 Schwenk Dr
48.314-2-23.1	714 Hooper Properties LLC	111 Schwenk Dr
48.314-2-1	Ulster Federal Credit Union	129 Schwenk Dr
48.71-1-4	Rondout Savings Bank	130 Schwenk Dr
48.71-1-5	Rondout Savings Bank	142 Schwenk Dr
48.314-1-2	Central Hudson Corp	REAR Frog Aly

RESOLUTION ____ of 2025

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Submitted to the Mayor this _____ day
of _____ 2025

Approved by the Mayor this _____ day
of _____ 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

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48.314-2-1	Ulster Federal Credit Union	129 Schwenk Dr
48.71-1-4	Rondout Savings Bank	130 Schwenk Dr
48.71-1-5	Rondout Savings Bank	142 Schwenk Dr
48.314-1-2	Central Hudson Corp	REAR Frog Aly

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: HOUSING INITIATIVES

DATE: _____

Description:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, REFERRING A REQUEST TO REZONE PROPERTIES ALONG SCHWENK DRIVE TO T5 MAIN STREET TO THE CITY OF KINGSTON PLANNING BOARD, ULSTER COUNTY PLANNING BOARD, AND THE HISTORIC LANDMARKS PRESERVATION COMMISSION AND SETTING A PUBLIC HEARING SCHEDULE

Signature _____

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

9

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

L+R

Steven T. Noble
Mayor



May 1st, 2025

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway Kingston, NY 12401

Re: Bench Naming Policy

Dear President Shaut,

In 2007, the Parks and Recreation Commission and the Common Council agreed on a park re-naming policy, as well as memoriam items such as park benches, trees, and plaques.

The Director of Parks and Recreation has received numerous requests for benches and trees from individuals looking to donate in memoriam or in honor of someone. After speaking with the commission, we believe that it is time to update this policy to allow for the Parks and Recreation Department to allow individuals to sponsor benches, trees and other small park amenities for lost loved ones or Kingston residents who have made a positive impact on our community. By removing these items from the re-naming policy, it will allow for a sponsorship program to be created and cut down on the time it takes for an applicant to receive approval to donate a bench, tree or other small park amenity.

Sincerely,

Steven T. Noble
Mayor

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE RE-NAMING OF CITY PARKS OR AREAS, AS WELL AS MEMORIAM ITEMS SUCH AS PARK BENCHES, TREES AND PLAQUES

Sponsored By: Laws & Rules Committee: Alderman DiBella, Madsen, Cahill

WHEREAS, the Parks and Recreation Commission has produced a policy which addresses the re-naming of City parks or area, as well as memoriam items such as park benches, trees and plaques; and

WHEREAS, the Parks and Recreation Commission is seeking approval of such policy; and

WHEREAS, it is in the best interests of the City to approve the policy of the Parks and Recreation Commission; and

WHEREAS, the action is categorized under 6 NYCRR, Part 617.5 (c) (20) as Type II.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:


SECTION-1. That the Common Council hereby approves the policy of the Parks and Recreation Commission as presented addressing the issue of re-naming City parks or areas, as well as memoriam items such as park benches, trees and plaques.

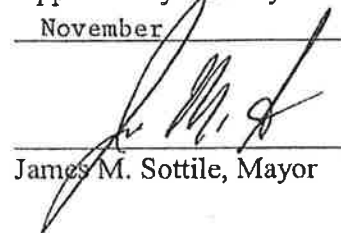
SECTION-2. That a negative declaration of environmental significance is not needed pursuant to 6 NYCRR, Part 617.5 (c) (20), Type II.

SECTION-3. This resolution shall take effect immediately.

Submitted to the Mayor this 10th day of
November, 2007

Approved by the Mayor this 19 day of
November, 2007


Kathy Janeczek, City Clerk


James M. Sottile, Mayor

Adopted by Council on November 14, 2007.

**Policy for Monuments, Memorials and Plaques For Public Spaces
Including Parks and Buildings Under the Jurisdiction of the
City of Kingston Parks and Recreation Commission**

Whereas, the Parks and Recreation Commission hereinafter ("Commission") finds it necessary to enact a policy with respect to those situations where a requests are being made with respect to the re-naming of monuments, memorials, plaques, parks, and buildings which fall under the control of the Commission; and

Whereas, the Commission has researched this issue and wishes to formulate a policy which is in the best interests of the citizens of the City of Kingston and recognizing that any applications which requests name changes of these items hereinbefore mentioned are a serious matter and one that should be undertaken after serious deliberation before the Commission can decide to agree to any such request.

Now, therefore, it is hereby agreed as follows:

1. The proposed person, event or organization which is being memorialized or honored should be deemed significant enough to merit such an honor.
2. For the purpose of re-naming monuments, memorials, plaques, parks, and buildings for an individual said person should have been deceased for at least one year and should have made important and meaningful contributions to the item which is sought to be named or re-named. With respect to an organization likewise said organization must have provided an important and meaningful contribution to the City of Kingston and the Parks and Recreation in the City.
3. Any memorial proposed to be created or to be re-named must represent broad community interests and values and must be supported by the community or the family members the memorial honors. In addition, it should have significant importance to future generations in the City of Kingston.
4. Any location being considered for a memorial must be in the opinion of the Commission a suitable location considering the area in which it will be located within said park or location.
5. The memorial must be designed by an individual who has considerable experience in designing the same so that it is aesthetically pleasing and consistent with the pre-existing park, building, etc.
6. Any name change to be considered will be reserved for persons or organizations who through example and substantial effort has made a lasting and important contribution to the item sought to be named or re-named. In connection with any such

application written and verifiable background information must be provided by the applicant regarding their proposed honorees. Written permission from family members must be provided which provides proof that the family is in accord with any such application.

7. The proposal must be written and the applicant must utilize the application provided by the Commission, if any, and must detail the application as requested. The proposal shall further outline in detail the specific purpose and concept related to the proposal. It shall further provide details as to the design of the memorial including design, concept, size, wording, sketches or models and a long term maintenance plan.

8. The written proposal must also include the proposed costs related to the design, manufacturing, insulation, site preparation and all other relevant concerns.

9. The applicant must submit a plan which outlines how the memorial or plaque, etc. shall be funded as well as any other requested information related to the matter.

10. Following the review of the completed application, the Commission shall make a recommendation in writing to the Mayor setting forth whether any such application is either accepted or denied. The Commission shall have full authority to require that all applicants supply such additional information as from time to time may be necessary to act on any such application. Implicit is the right of the Commission to make suggestions to the applicant with respect to any proposal which in the opinion of the Commission would be more suitable.

11. The Commission or the Mayor may require a public hearing to assist in determining of the application is appropriate and consistent with the best interests of the City of Kingston.

12. No park or facility currently named after an individual may be changed.

13. The Commission agrees that if they intend to amend this policy in any significant way, they are obligated to make application to the Common Council of the City of Kingston.

14. It is understood that it shall be necessary for Common Council to approve any application made in accordance with this policy.

Respectfully Submitted

Parks and Recreation Commission
City of Kingston
November 14, 2007

6

LR

Resolution to Save Neighborhood Social Security Offices, Medicare and Medicaid

Whereas, neighborhood Social Security offices and employees have faithfully served the public in communities across the country since 1935, providing the strongest protection for millions of americans against falling into poverty,

Whereas local Social Security offices, staffed with trained civil servants across the nation provides service to millions of Americans each year, in person and by telephone,

Whereas 67 million Americans receive Social Security Benefits, including 9.7 million recipients of Social Security are veterans who have faithfully served this country,

Whereas millions of veterans and their families depend on their monthly checks from Social Security for housing and food,

Whereas older adults are the fastest growing population of homelessness, including thousands of veterans and families,

Whereas staffing at the Social Security Administration has fallen to a 50 year low while workloads have increased, with more than 11,000 Americans reaching retirement age each day,

Whereas the current Administration has announced a plan to cut staff dramatically to take federal tax dollars from our communities and transfer those dollars to billionaires by reducing their taxes,

Whereas cutting costs leads to closing neighborhood Social Security offices, dozens have already been announced, leaving dedicated public servants without a job and constituents with nowhere to turn to,

Whereas millions of American depend on nearby offices for filing for benefits, resolving problems with payments, work records, generating SSN's, providing replacement SSN cards, income and award letters and applications for retirement, disability and SSI,

Whereas more than 79 million Americans receive Medicaid and the proposed House budget resolution in 2025 plans steep cuts to provide tax breaks for oligarchs and billionaires,

Whereas Medicare serves more than 68 million Americans and is targeted for cuts by the current Administration, to cut taxes on the richest among us,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. That the City of Kingston Common Council commits to opposing the closure of local Social Security offices, and staffing cuts.

SECTION 2. That this body supports robust staffing and local office facilities to serve the public in a timely manner in this community and all communities across the state and nation.

SECTION 3. That this body will oppose state and federal cuts in Medicaid, Medicare and Social Security benefits.

SECTION 4. The Kingston Common Council urges our federal representatives to demand the reopening of a Social Security Office in the City of Kingston.

SECTION 5. that this body will support House Bills, introduced March 5, 2025, "Keeping Our field Offices Open Act" (HR 1876), "Protecting Americans Social Security Data Act" (HR 1877) and S. 770, "The Social Security Expansion Act" (HR 1700).

SECTION 6. That the City Clerk, Elisa Tinti, will send this resolution to Congressman Patrick Ryan and Senators Chuck Schumer and Kirsten Gillibrand.

OLD BUSINESS

Tinti, Elisa

From: Shaut, Andrea
Sent: Monday, March 17, 2025 11:32 AM
To: Tinti, Elisa
Cc: Edwards, Jeanne
Subject: Fw: [EXTERNAL EMAIL] Food trucks

Good morning, Elisa,

Can you add the following email to my communication folder?

Thank you!

Andrea Shaut

Council President, City of Kingston

From: jeanne tavis <bluinative66@yahoo.com>
Sent: Friday, March 7, 2025 12:30 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Food trucks

Good morning madam president

I would like to bring back to the table, about the food trucks. This is a public safety issue and I really needed to be put back on the table for a law to be put into place.

Thank you

Jeanne Edwards

Yahoo Mail - Email Simplified

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Tinti, Elisa

From: Perry, Vincent
Sent: Tuesday, March 11, 2025 1:14 PM
To: Alderman
Subject: Downs St. food trailer
Attachments: PXL_20250311_105346245.MP.jpg; PXL_20250311_105335016.MP.jpg

Members of the Common Council,

I have begun to receive an increased amount of complaints recently in regard to the food trailer and delivery truck parked on Downs St. These vehicles are parked in a manner that present safety concerns for neighbors. I have attached photos from the exit of the former sea deli parking lot that exits on to Downs St. A driver has no line of vision to see oncoming traffic, pedestrians, or cyclists.

Customers often times park illegally in the "No Parking Here to Corner" zones at that intersection which causes an obstruction of traffic. The nature of business being conducted at the food trailer attracts considerable pedestrian traffic. These pedestrians are at great risk from vehicles turning on to Downs St. from Broadway. Neighbors have also mentioned in their complaints that business is sometimes being done past 11 pm some evenings.

Parking Enforcement has written a significant amount of tickets in the "No Parking Here to Corner" zones on both sides of Downs St. at the corner of Broadway and Downs and in the "No Parking Between Signs" zone located in front of the Masjid Umar Mosque at 15 Downs St. Unfortunately, the increased enforcement during work hours has done nothing to deter the lack of compliance as the issue persists throughout the evening and early mornings.

I believe addressing the food trailer would be the beginning of resolving this safety issue. I have directed the complainants to reach out to Ward 4 Alderwoman, Jeannie Edwards or attend the next Common Council meeting.

If you have any questions, please feel free to contact me.

Thanks,

Vincent Perry
Parking Supervisor
(845) 943-0123

Tinti, Elisa

From: Hirsch. Michele
Sent: Wednesday, May 21, 2025 8:38 AM
To: Tinti, Elisa
Cc: Shaut, Andrea
Subject: Fw: Proposed Food truck legislation

Dear Elisa,

Can you please add this to tonight's agenda for food trucks.

Thank you,

Michele Hirsch
Alderwoman, Ward 9

From: Hirsch. Michele <Ward9@kingston-ny.gov>
Sent: Wednesday, April 23, 2025 8:58 PM
To: Robert Dennison <radennison3@gmail.com>
Cc: Pasti, Sara <Ward1@kingston-ny.gov>; Tierney, Michael <Ward2@kingston-ny.gov>; Scott-Childress, Reynolds <Ward3@kingston-ny.gov>; Edwards, Jeanne <Ward4@kingston-ny.gov>; Mickens, Teryl <Ward5@kingston-ny.gov>; Jankowski, Matthew <mjankowski@kingston-ny.gov>; Tinti, Egidio <etinti@kingston-ny.gov>
Subject: Fw: Proposed Food truck legislation

I was not included in this email thread, so thank you for forwarding it to me, Michael. I've also added Rennie as he is also a member of the Laws and Rules Committee.

If we are adding "Food Trucks" to Chapter 318 Peddling and Soliciting, in the municipal code, then I would also like to see some changes to bring the language and legislative intent of Chapter 318, brought into the 21st Century. These ordinances have boiler plate language that municipalities across the country have all used, harkening back to a very xenophobic time period. Is it really important to know if someone applying for a license is single or married? We don't finger print and run background checks on brick and mortar business'. I've made some notes and will follow up with Chief Tinti (whom I've also added to this thread) and Matt prior to the Laws and Rules Committee meeting next month.

While allowing Food Trucks in Parks needs to be a separate enabling piece of legislation, I believe the list of approved city streets and the parameters for approving said streets needs to be worked out in conjunction with Chapter 318 to assure the food truck operators that we will not be creating proximity bans.

Thank you.

Michele Hirsch
Alderwoman, Ward 9
Chair of Laws and Rules Committee

From: Tierney, Michael <Ward2@kingston-ny.gov>
Sent: Wednesday, April 23, 2025 3:03 PM
To: Hirsch, Michele <Ward9@kingston-ny.gov>
Subject: Fw: Proposed Food truck legislation

I think Bob meant to send to you not me. No attachment.

Michael Tierney
Alderman, Ward 2
Ward2@kingston-ny.gov
845-768-6781
Finance & Audit Committee
Community Development & Housing Committee

From: Dennison, Bob <Ward6@kingston-ny.gov>
Sent: Wednesday, April 23, 2025 3:00 PM
To: Mickens, Teryl <Ward5@kingston-ny.gov>; Edwards, Jeanne <Ward4@kingston-ny.gov>; Pasti, Sara <Ward1@kingston-ny.gov>; Tierney, Michael <Ward2@kingston-ny.gov>
Cc: Jankowski, Matthew <mjankowski@kingston-ny.gov>
Subject: Proposed Food truck legislation

I've read the proposed legislation and it looks fine to me. It will enable the police to regulate food trucks with a better set of rules. The "safety" of customers will remain a judgement call which I suppose is the best we can hope for. I suggest we offer an opportunity for the food truck owners/operators a chance to provide feed back before we act on it, maybe a public information meeting.

I would like to see an additional piece if legislation that would enable food trucks in parks but I understand that is the next step which should come after this is settled. It will not be easy to determine who gets to locate in a park or fees.

Bob Dennison

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 318

Peddling and Soliciting

[HISTORY: Adopted by the Common Council of the City of Kingston 6-6-1989, approved 6-8-1989 (Ch. 61 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Advertisements and billboards — See Ch. 130.

Auctions and auctioneers — See Ch. 154.

Disorderly conduct — See Ch. 195.

Noise — See Ch. 300.

Pawnbrokers — See Ch. 313.

Sales of merchandise — See Ch. 335.

Article I

General Regulations

§ 318-1 Legislative findings.

- A. The City of Kingston has broad powers to regulate the use of its city streets and for the prevention and promotion of the health, safety, aesthetics and general welfare of its inhabitants. Any use of the streets for a private business purpose which interferes unduly with the use of the streets by others for travel must be regulated.
- B. It is the purpose and intent of this article to control and regulate the activities of hawkers, peddlers and solicitors in the City of Kingston. History has shown that there is a need for investigation and review of the past conduct of applicants in the interest of promoting public safety and morals, child welfare, economic well-being and road safety and usage. This article is intended to protect the peace and security of our citizens in their homes and neighborhoods; to safeguard consumers against fraud and inferior goods; and to prevent congestion and unsafe conditions on the streets and roadways of the City of Kingston. It has been made with reasonable consideration of the character of our community and with a view to preserving the character, among other considerations.
- C. The Common Council declares that some hawkers and peddlers keep and store their merchandise and offer it for sale in an unsanitary manner. The Council further finds that the presence of hawkers and peddlers near places of public assemblage where children of school age and others congregate or are discharged from vehicles or where such children board vehicles presents a safety hazard and a danger to the children and the motoring public. The Common Council further finds that wrappings and coverings, some containing partially unconsumed items, or the items themselves are often carelessly discarded other than in receptacles provided for such items, thereby causing an ugly blight on the city's streets and surrounding properties, with increased collection costs to the city.

§ 318-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ESTABLISHED PLACE OF BUSINESS

A building or store in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits during regular business hours, six hours per day for at least 46 weeks in each calendar year, and in which there is a person or clerk continually in attendance during such hours.

FOOD TRUCK

—Any movable restaurant, truck, van, cart, bicycle or other movable unit in, on or from which food or beverage for human consumption is sold or offered for sale at retail or given away at temporary or permanent locations. Such vehicle may be self-propelled or towed by another vehicle. Vehicles for the delivery of previously ordered food or beverage, such as pizza, bread and milk, are excluded from the foregoing definition.

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FOOD TRUCK OPERATOR — The registered owner of a food truck or the owner's agent or employee.

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HAWKER and PEDDLER

Includes, except as hereinafter expressly provided, any person who, from in any public street or public place or by going from house to house or place of business to place of business, on foot or on any or from any animal, wagon, cart, boat or car on a railroad track or vehicles, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals and other expressive materials. The terms "hawker" and "peddler" shall not be construed to include persons exclusively selling expressive materials. For the purpose of this chapter, expressive materials shall not be subject to peddling license requirements. For the purpose of this chapter, "expressive materials" includes, but is not limited to, books, comics, and other written materials, audio recordings, video recordings, and visual art.

[Amended 9-2-2014; approved 9-8-2014]

PERSON

Includes natural persons, corporations, copartnerships, unincorporated associations or any other organizations of two or more persons.

PUBLIC GROUNDS

— Lands, other than the public right-of-way, that are publicly owned and used for public purposes, such as parks and recreation areas.

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PUBLIC RIGHT-OF-WAY

— Any publicly owned land adjacent to and abutting any public street, road or highway.

SOLICITOR

Any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise, except newspapers or milk, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§ 318-3 Exemptions.

A. Nothing in this article shall be held to apply to any of the following:

- (1) Sales conducted pursuant to statute or by order of any court.

- (2) Merchants having an established place of business within the city or their employees, for soliciting orders, door to door, from customers and delivering the same.
- (3) Commercial salesmen or deliverymen calling exclusively on merchants having an established place of business within the city or to any person selling goods, wares or merchandise or personal property at wholesale to dealers in such articles.
- (4) Farmers and/or truck gardeners who themselves or through their employees vend, sell or dispose of products of their own farms and/or gardens.
- (5) Berry pickers who shall sell berries of their own picking.
- (6) Sales conducted by infants under the age of 18 who are soliciting orders for a not-for-profit corporation. The article expressly excludes application to Girl Scouts, Brownies, Cub Scouts, Boy Scouts and other school-age children who solicit door to door for the benefit of their school or community organizations.
- (7) Persons soliciting, collecting or operating a sale on behalf of any qualified and bona fide charitable, educational, scientific, health, religious, civic or other organization of worthy cause deemed to be in the public interest.
- (8) Any person selling his own personal property at a garage sale held at his private residence.
- (9) Any person who applies for and is issued a special promotional events permit from the office of the City Clerk.
- (10) Honorably discharged veterans of the Armed Forces of the United States who have obtained a veteran's license from the Ulster County Clerk in the State of New York to hawk, peddle or vend pursuant to law shall be subject to all provisions of this chapter, except those requirements contained in § 318-7 requiring licensing fees and § 318-5 requiring fingerprinting.

B. This article shall not apply so as unlawfully to interfere with interstate commerce.

§ 318-4 License required.

It shall be unlawful for any person within the corporate limits of the City of Kingston to act as a hawker, peddler or solicitor, as herein defined, without first having obtained and paid for and having in force and effect a license therefor. Each such person, whether as principal, agent, servant or employee, who engages in any such activities shall be required to be licensed hereunder. Whether such person is compensated for his efforts shall not be determinative for the necessity that all engaged in such activity shall be required to be licensed. Nothing herein shall be considered as requiring a license of the owner, clerk or employee of an established place of business from conducting such activities on the premises of his own place of business or on the sidewalk adjacent to such established place of business.

§ 318-5 Application for license; bond and insurance.

A. Any person desiring to procure or renew a license as hereby provided shall file in person with the Chief of Police or a representative designated by the Chief of Police a written application upon a form supplied by the City Clerk and furnished by the city, which shall give the following information:

- (1) The name and address of the applicant, including maiden name where applicable.
- (2) The applicant's place of residence for the past five years.
- (3) The applicant's business for the past five years, including the names and addresses thereof.
- (4) Three photographs of the applicant, taken not more than 60 days prior to the date of filing the

application, which shall be two by two inches in dimension, showing the head and shoulders of the person making said application.

- (5) Whether or not the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except with relation to illegal parking, and, if so, in what court, when, where, upon what charges and the sentence of the court, including the docket, index, indictment or file number in such court.
- (6) Whether the applicant is married or single.
- (7) Whether the applicant has been previously licensed in any occupation and, if so, when, where and for what period and, if such previous license was ever revoked or suspended, the date of the revocation or suspension and the reason therefor.
- (8) If employed by the owner of a licensed vehicle, the name and address of such employer, together with credentials establishing the relationship.
- (9) If the applicant proposes to operate a vehicle in connection with the license, a description of the cart, boat, contrivance or vehicle, together with a license number or other means of identification and the applicant's license number as issued by the New York State Motor Vehicle Department.
- (10) The kind of goods, wares and merchandise he desires to sell or the kind of service he desires to perform and the method of distribution.
- (11) If the applicant is a corporation or association, the name and address and title of the officer upon whom process or other legal notice may be served.
- (12) A New York State sales tax identification number for all corporations, partnerships, associations or other similar-type business entities. In the event that an individual applicant does not possess such number, the individual's social security number shall be substituted therefor.
- (13) Fingerprints.
 - (a) All applications shall be accompanied by a set of fingerprints taken in the same manner as in a criminal proceeding. All such fingerprints shall be submitted to the Chief of Police for a full search. The application shall be accompanied by an appropriate fee, in a certified or bank check or money order, which amount shall be in addition to the fees stated herein. Any report received therefrom shall be filed with the Police Department, whether a criminal record is discovered or not.
 - (b) If the applicant is a corporation or partnership, a full set of fingerprints of all officers of said corporation or of all of the partners must be furnished.
- (14) Applicants shall furnish such other information as may be required by the Chief of Police.
 - B. If the applicant's business involves the use of scales or measures, such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.
 - C. If the application is for a license to handle food in any form, the application shall be accompanied by a valid permit issued by the county permit issuing official having jurisdiction, as determined by the Health Department, County of Ulster.
 - D. An application for a license shall be accompanied by a bond to the City of Kingston, approved as to form and surety by the Corporation Counsel, in the penal sum of \$1,000, with sufficient surety or sureties or sufficient collateral security, conditioned for the due observance during the time of the

license of any and all ordinances which are now in force or may be hereafter adopted by the Common Council respecting hawking, peddling and soliciting. In the case of solicitors who demand, accept or receive payments or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or, failing therein, that the advance payment of such shall be refunded. Any person aggrieved by the action of any such licensed solicitor shall have a right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and, in case of a cash deposit, such deposit shall be retained by the City of Kingston for a period of 90 days after the expiration of any such license, unless sooner released by the Chief of Police.

- E. Upon issuance of a license, the licensee shall have in full force and effect a liability insurance policy in amounts not less than \$100,000 per individual and \$100,000 per occurrence. A copy of said policy shall be submitted to the City Clerk.
- F. Upon issuance of a license, the licensee shall execute a hold-harmless agreement indemnifying the city against loss, including costs and expenses resulting from injury to person or property as a direct or indirect result of his enterprise. Said hold-harmless agreement shall be covered by a protective policy of insurance obtained by the applicant in an amount not less than \$100,000 and shall be submitted to the City Clerk and shall be subject to the approval of the Corporation Counsel.
- G. The Chief of Police may, in his discretion, upon good cause shown, waive any of the requirements for a license granted for one day of 24 hours.

§ 318-6 Issuance of license; appeals on denial; expiration.

- A. Upon filing of the application, bonds, and certificates provided in the preceding section, the Chief of Police, shall, within seven days approve or deny the application. In the event that the application is approved, and upon receiving the license fee herein specified, the Police Chief shall issue to the applicant a license as provided in § 318-4, signed by the Chief of Police. The Chief of Police may impose conditions upon the use of said license, including but not limited to the times of the day, days of the week and geographical limits within which the licensee may conduct such activities as allowed by this chapter. [Amended 9-2-2014; approved 9-8-2014]
- B. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare. In the event that said application is rejected by the Chief of Police, notice of such rejection shall be mailed to the applicant within 10 days of such rejection. The applicant shall then have 10 days from the date of such mailing to appeal such rejection by the Chief of Police to the Common Council. The Common Council, upon hearing the appeal by the applicant, shall approve or deny the issuance of a license.
- C. A license shall not be assignable. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person shall each be guilty of a violation of this article. Whenever a license, badge or vehicle plates shall be lost or destroyed on the part of the holder, a duplicate in lieu thereof under the original application and bond may be used by the Chief of Police upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.
- D. All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in the order in which they are issued, and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of his badge and license plate, the dates of issuance and expiration of the license, the fee paid and the name and address of the licensee. Such licenses shall automatically expire on January 1 following the date of issuance of such licenses, but such licenses may specifically state and provide for an earlier expiration date.

- E. No license shall be granted to a person under 18 years of age. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists.
- F. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.

§ 318-7 License fees.

[Amended 6-5-2012, approved 6-7-2012; 9-2-2014 by L.L. No. 2-2014, approved 9-11-2014]

The fee for a license to act as a peddler or solicitor shall be in an amount set forth in the fee schedule to be established by resolution of the Common Council of this City. The Chief of Police may also, in his discretion, grant a license for one day of 24 hours, for which the fee shall be in an amount set forth in the fee schedule to be established by resolution of the Common Council of this City.

§ 318-8 Badges and vehicle plates.

The Chief of Police shall supply badges and vehicle plates to licensed hawkers, peddlers and solicitors. Such badges and plates shall not be transferred or assigned. On the expiration of the license, the licensee shall surrender his badge to the Chief of Police. It shall be unlawful for any person to destroy, deface or injure such badge in any manner or change the number or date thereon. It shall also be unlawful for any person to wear or have in his possession such badge, unless he is the licensed hawker, peddler or solicitor in whose name the license is issued. Such licensee, while exercising his license, shall wear on the front of his outermost garment the badge so provided, which badge shall state the number and character of the license and the date when it expires. The vehicle plates shall be displayed by every licensee operating a vehicle, one on each side of the body of the vehicle used by him in the exercise of his license. Such vehicle plates shall state the character and number of license and the date of expiration. The color of the vehicle plates shall be changed each license year. The wearing of the badge and the display of the vehicle's plates are hereby made a condition of every license to which such badge or plates apply, and the failing of the licensee to wear the badge or to display the vehicle plates, as aforesaid, while in the exercise of his license shall be cause for the revocation of such license.

§ 318-9 Identification of vehicles.

Every vehicle used by a licensed hawker, peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in length in a conspicuous place on the outside of each side of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§ 318-10 Revocation of license.

The Chief of Police may, at any time, for a violation of this article or any other ordinance or any law, revoke any license. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons thereof, in writing, shall be served by the Chief of Police upon the person named in the application or by mailing the same to the address given in the application and upon filing a copy of such notice with the City Clerk.

§ 318-11 Records.

It shall be the duty of the City Clerk to keep a record of all applications and all licenses granted under the provisions of this article, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

§ 318-12 Restrictions and requirements.

- A. Exclusive rights to locations prohibited; certain locations prohibited. No hawker, peddler, or solicitor

shall have the exclusive right to any location on any street or any public property. It shall be unlawful to hawk, peddle or solicit within 200 feet of the entrance to any school property or other place of public assemblage or within a similar distance of a parking lot that is customarily used by school buses. Further, hawkers and peddlers shall not stand on any public streets, sidewalks, bus stops, crosswalks or places so as to obstruct access to or egress from any place or the free flow of vehicular and pedestrian traffic. No hawker, peddler or solicitor shall locate a vending unit within 10 feet of any other vending unit on a public sidewalk nor within 15 feet of a fire hydrant. No hawker or peddler or solicitor shall hawk, peddle or solicit upon or within any street which shall be declared a prohibited street by the Common Council, which determination shall be based on traffic conditions and maintaining a peaceful community. It shall be unlawful to hawk, peddle or solicit in any designated City park, with the exception of City-sponsored events such as Independence Day, Hooley, Fall Festival at Forsyth, concession at Kingston Point Beach, etc., unless given a waiver by the Recreation Department.
[Amended 7-11-2006, approved 7-13-2006]

- B. Heated water required in some instances. Any licensed hawker or peddler selling or dispensing foodstuffs, other than fresh fruit and vegetables, at all times while so hawking or peddling shall have on his or her cart, vehicle or other contrivance from which such foodstuff is sold or dispensed a container with at least five gallons of water heated and maintained to a temperature suitable for the purpose of cleaning the hands of the purveyor and any utensils that may be used in the purveying of the foodstuffs. Such water shall be disposed of only in a wastewater drain and shall not be discharged onto a city street or in a catch basin of a street. This subsection shall not apply to foodstuffs that have been prepackaged or wrapped or covered at a location other than the hawker's, peddler's or solicitor's vehicle, boat, cart or other contrivance.
- C. Refuse containers required. Each and every cart, vehicle, boat or other contrivance used in the hawking or peddling of foodstuffs, beverages or other articles containing a wrapping or cover shall at all times have readily available to the purchasing public a refuse receptacle for the disposal of waste. The maintenance of the container shall at all times be with the hawker or peddler. At the conclusion of the activities at a particular location by the hawker or peddler, he or she shall be responsible for the cleaning up of all waste and debris within a ten-foot radius of such container and shall be responsible for the disposition of such waste and debris in a manner that will cause the expense of such removal in the first instance to be borne by the hawker or peddler and not by the city or any adjacent property owner. At no time of the license period by the hawker or peddler shall such waste or debris be placed in containers provided for the general public by the city or any business association. Disposition of such waste and debris shall comply with any and all City of Kingston regulations on recycling and waste.
- D. Use of weighing and measuring devices. All weighing and measuring devices used by peddlers shall be attached to a fixed standard suspended from the vehicle or conveyance used by such peddler, in order to ensure the accuracy of such device.
- E. Unnecessary noise. No persons, hawkers, peddlers or solicitors shall use or operate any loudspeaker public-address system, radio, sound amplifier or similar device or make any other unnecessary noise to attract the attention of the public.

§ 318-13 Fraudulent representations.

No persons, hawkers, peddlers or solicitors shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provision or merchandise.

§ 318-14 Enforcement; penalties for offenses.

- A. In addition to and not in limitation of any power otherwise granted by law, officers of the Kingston City Police Department are hereby authorized to issue an appearance ticket for violations of this article.

- B. Any person who shall act as a hawker, peddler or solicitor, as herein defined, without a license or who shall violate any of the provisions of this article or who, having had his license revoked, shall continue to act as a hawker, peddler or solicitor shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$500. Each day on which such violation continues shall constitute a separate offense.

§ 318-15 Publication.

Notice of this article shall be published once in the official newspaper of the City of Kingston, New York.

§ 318-16 When effective.

This article shall take effect immediately upon passage and approval.

Article II

Soliciting From Occupants of Vehicles Food Trucks

§ 318-17 Purpose.

The purpose of this Article is to regulate food trucks within the City of Kingston in a manner that protects the public health, safety and welfare. This article describes the permitting procedures for food trucks and is intended to operate in conjunction with the other regulations of this Chapter and Chapter 405 Zoning.

§ 318-18 Food truck permit.

- A. Permit required; term of permit. All food trucks shall require a permit from the Chief of Police, in addition to the license to act as a peddler or solicitor as required in this Chapter.
- B. The food truck permit shall be valid for one year from the date of issuance, or the period for which the Department of Health permit is valid, whichever is sooner, unless sooner terminated or revoked. Any termination, expiration or revocation of the required permit from the Ulster County Department of Health shall constitute an automatic revocation of the permit issued by the City.
- C. An application for a food truck permit shall be made to the Chief of Police on a form provided by the City, and shall be accompanied by a nonrefundable application fee in accordance with the Fee Schedule established by the Common Council. The application shall, at a minimum, include the following information:
- (1) Name, address, email address, and telephone number of the food truck operator and of the registered owner of the food truck, if different.
 - (2) A description of the food truck, including the license plate number, vehicle identification number (VIN), year, make, and model of the vehicle, and dimensions (length and width), and photographs of the truck, registration, VIN, and license plate.
 - (3) Proof of a valid state motor vehicle registration number for the vehicle.
 - (4) A copy of a valid Ulster County Department of Health permit for a mobile food service operation.
 - (5) If applicable, a copy of a license from the New York State Liquor Authority.
 - (6) A copy of a valid annual fire safety inspection by the City of Kingston Building Department certifying that the food truck is NFPA compliant.
 - (7) Proof of valid insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance must meet the liability guidelines set by the City and be in form and substance satisfactory to Office of Corporation Counsel.
- D. The Chief of Police shall approve and issue a food truck permit if:
- (1) The applicant demonstrates compliance with the requirements of this Chapter.
 - (2) No notices of violation are pending on the food truck owner and operator; and
 - (3) The applicant pays the required nonrefundable food truck permit fee in accordance with the Fee

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Schedule established by the City Council.

- E. Nontransferability of permit. A food truck permit is not transferable to any other food truck or food truck operator.

§ 318-19 Requirements.

- A. Maximum size of food trucks. The maximum size of any food truck, inclusive of any trailers, shall be 256 square feet, measured from the exterior faces of the food truck and any trailer.

- B. Types of food and beverage. Food trucks may sell food and beverages which are prepackaged or prepared and served from the vehicle or stand.

C. Operations.

- (1) Food truck operators shall maintain a valid permit from the Ulster County Department of Health, and shall operate the food truck in conformance with all applicable health standards.
- (2) No alcohol may be sold or dispensed from food trucks without a license from the New York State Liquor Authority.
- (3) A copy of all valid licenses and/or permits shall be conspicuously displayed on the food truck at all times, including but not be limited to the Ulster County Department of Health permit; the City of Kingston Peddling and Soliciting license; the City of Kingston food truck permit, the annual fire safety inspection sticker; and a notice in at least two-inch font stating "To report a violation, call the City of Kingston _____ at 845-_____."
- (4) No food truck shall remain parked along and upon any public street in the City of Kingston between the hours of 10:00 p.m. and 6:00 a.m.
- (5) Food trucks permitted on private property may only be sited at the location designated on the permit.
- (6) Food trucks shall be located a minimum of 10 feet from the edge of any driveway, utility box and/or vault, handicapped ramp, building entrance, fire hydrant, or emergency call box, and shall not block fire lanes or access roads for emergency vehicles.
- (7) Food trucks shall be located a minimum of 200 feet from any restaurant, unless the restaurant grants a waiver. Such distance shall be measured from the main building entrance of the restaurant to the closest edge of the food truck.
- (8) Food trucks must be sited in a location that does not obstruct or interfere with the free flow of pedestrian or vehicular traffic, does not restrict visibility at any driveway or intersection, and does not unreasonably interfere with the activities of other businesses or otherwise interfere with other lawful activities or violate any statutes, ordinances, or other laws.
- (9) The operation of food trucks shall be limited to the hours of 7:00 a.m. to 9:00 p.m.
- (10) Food truck operators shall provide adequate trash and recycling receptacles within 10 feet of their food truck. A food truck operator is responsible for the proper disposal of waste and trash associated with the operation of the food truck. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently as needed to maintain the health, safety and welfare of the public. The food truck operator shall keep all areas clean of grease, and trash, litter or waste, including, but not limited to, paper, cups, cans, or bottles associated with the operation. No liquid waste or grease shall be disposed in or on streams, wetlands, storm drains, lawns, sidewalks, streets, or other public space or in sanitary sewers or septic tanks not equipped with a grease trap.
- (11) All equipment required for the operation of a food truck shall be contained within, attached to or located within three feet of the food truck.
- (12) No food shall be prepared or sold at the food truck site outside of the food truck. Prepackaged beverages may be sold from coolers outside of the food truck, provided that they are located

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within three feet of the food truck.

- (13) No lighting is permitted except for interior lighting used for food preparation. Such lighting shall be turned off after hours.
- (14) Amplified sound or loudspeakers are prohibited, and the food truck operation shall comply with the noise limits in Chapter 300 of the City Code.

D. Permitted Locations

- (1) Food trucks shall only be permitted to be located on private property or on public property, grounds, streets, and right-of-ways as designated by resolution of the Common Council.
- (2) Nothing in this section shall be deemed to authorize the sale or distribution of food from a food truck on public grounds, streets, or right-of-way not designated by resolution of the City of Kingston Common Council.
- (3) A list identifying the streets and public property upon which food trucks are permitted to operate shall be maintained by the City Clerk and shall be provided with any permits issued pursuant to this article.
- (4) The Common Council shall have the power to add or remove locations upon which food trucks shall be permitted to operate, by resolution. Upon removal of a location, notice shall be sent to the holders of active permits via the email address or mailing address provided on their applications.
- (5) Operating a food truck in a location not actively designated, shall constitute a violation of this article.

- E. Signs.** Signs may be painted on or affixed to the food truck provided the signs do not exceed the dimensions of the food truck on which they are placed. In addition, a food truck shall be permitted a single A-frame sign, not exceeding nine square feet, that may be displayed during the food truck's hours of operation. The use of other movable, portable and/or freestanding signs is prohibited.

§ 318-20 Operation on Private Property

- A.** No food truck shall operate on Private Property, unless the location of the private property is listed on the permit application and written permission is submitted from the owner of the property.
- B.** Where a food truck is proposed on a privately owned parcel, either as an accessory use or as a principal use, site plan approval pursuant to Chapter 405 shall be required, and the Chief of Police shall not issue a food truck permit until the required Planning Board approvals have been granted.
- C.** The location(s) of the private property shall be listed on the food truck permit.
- D.** An additional fee, as determined by resolution of the common council, shall be administered for each parcel of private property upon which the food truck is permitted to operate.

§ 318-21 Exceptions.

Special event, private residence. Residents may request that food trucks cater special events on private property at their place of residence within any zoning district. Such request for a special event private-use food truck shall be made to the Chief of Police for a period not exceeding one day and subject to the requirements of this chapter. In such cases, provision of food and beverage shall be limited to event attendees only; provision to the general public is prohibited.

§ 318-22 Violations.

Any of the following shall constitute a violation of this article:

- A.** Failure to properly obtain and/or properly display a valid food truck permit.
- B.** Fraud or misrepresentation contained in the license or permit application.
- C.** Fraud or misrepresentation made in the course of operating the business.
- D.** Conduct in an unlawful manner or that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, and welfare.

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E Failure to comply with the provisions of this article.

§ 318-23 Suspension or revocation of license and permit.

- A The Chief of Police or other authorized code enforcement officer may issue a notice of intent to suspend or revoke a food truck permit for any violation of this article. The notice of intent to suspend or revoke shall describe the violation(s), and require the permit holder to immediately cease operations and correct the violation(s) or cause the violation(s) to be corrected.
- B The notice of intent may be given personally to the operator of the food truck, by affixing it to the windshield of the food truck, or in writing by certified mail to the permit holder at the address shown on the application.
- C If the permit holder fails to immediately correct the violation(s) or cause the violation(s) to be corrected, the Chief of Police shall suspend or revoke the permit.
- D A permit holder shall be entitled to request a hearing on suspension or revocation before the Mayor, upon application made to the City Clerk, in writing, demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the Mayor. The Mayor shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of receipt of the written request.

§ 318-24 Enforcement; administration; penalties for offenses.

- A The requirements established by this Article shall be administered and enforced by any law enforcement agency that has jurisdiction in the City of Kingston, the City of Kingston Parking Enforcement Officer and the City of Kingston Code Enforcement Officer, or their duly authorized representatives.
- B The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in court, and are authorized to issue orders to remedy and notices of violation to enforce the provisions of this chapter.
- C Any violation of this chapter shall be deemed an offense, and each occurrence or incident shall constitute a separate offense. If a violation continues for more than a twenty-four-hour period, each day shall constitute a separate offense.
- D A violation of this article or any part thereof shall constitute an offense punishable as follows:
- (1) By a civil penalty:
 - (a) Not to exceed \$100 for a first offense;
 - (b) Not to exceed \$300 for a second offense; and
 - (c) Not to exceed \$500 for any subsequent offense; and/or
 - (2) By a fine:
 - (a) Not to exceed \$100 for a first offense;
 - (b) Not to exceed \$300 for a second offense; and
 - (c) Not to exceed \$500 for any subsequent offense; and/or
 - (3) By imprisonment for a term of not more than 15 days, and/or
 - (4) By any combination thereof.
- E Conviction of three violations of any provision of this chapter, or consent to the payment of three separate penalties for separate offenses, may result in the immediate revocation of the food truck permit. No refund of any food truck permit fee shall be given. If the food truck permit is revoked, the food truck operator will not be allowed to apply for another food truck permit for any food truck until the following calendar year.
- F Without limiting any other remedy, the Common Council may also maintain an action or proceeding in the name of the City in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this Article.

Article III
Soliciting from Occupants of Vehicles

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§ 318-~~25~~17 Statement of policy.

It is hereby found and determined by the Common Council of the City of Kingston, New York, that the public solicitation of funds from stopped vehicles or vehicles stopped for such purpose on the public street, avenues, roadways and intersections of the City of Kingston, New York, has posed an ever-increasing danger of accident, injury and possible death to the operators of such vehicles, their passengers, other pedestrians and solicitors for funds and that the continuation of such practice of soliciting is inimical to the interests of the people of the City of Kingston, New York, and that there should be adopted, pursuant to § 1640 of the Vehicles and Traffic Law of the State of New York, rules and regulations respecting soliciting from vehicles and the occupants thereof on such public streets, avenues, roadways and intersections within the City of Kingston, New York.

§ 318-~~26~~18 Prohibited activities.

On and after the date that this article shall take effect, it shall be unlawful for any person to solicit funds for whatever cause by soliciting from the occupants of motor vehicles on the moving traffic lanes of any public street, avenue, roadway or intersection, whether such vehicle is stopped for traffic or is in the process of moving with traffic, and each such violation shall constitute a separate offense.

§ 318-~~19~~27 Penalties for offenses.

Any person or persons found guilty of an offense or offenses for violation of the provisions of this article shall be subject to a fine in an amount not to exceed \$~~4~~500 or imprisonment not to exceed 10 days, or for both such fine and imprisonment, for each separate violation.

§ 318-~~20~~28 When effective.

This article shall take effect immediately upon passage and approval.

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